



November 29, 2005

Chairman Leon Drolet and  
Members of the House Government Operations Committee  
Michigan House of Representatives  
P.O. Box 30014  
Lansing, MI 48909-7514

Dear Chairman Drolet and Members of the House Government Operations Committee:

The recent decision by the U.S. Supreme Court in the *Kelo v. City of New London* has undoubtedly raised questions around the country about personal property rights. Numerous states have or are attempting to address the lack of protections for personal property rights in their state since this ruling. In Michigan, however, a 2004 case settled by the Michigan Supreme Court (*Wayne Co. v Hathcock*) already grants significant protections to private property owners. In fact, our nation's high court even referenced the *Hathcock* decision when handing down the *Kelo* decision stating that states like Michigan are given the latitude to have stronger personal property protections, which we do.

The House Government Operations Committee in recent weeks has been addressing the issue of eminent domain and the Michigan Townships Association (MTA) has some concerns regarding recent legislation that has been approved by the Senate that sits before this committee. Senate Bill 693 (S-4) and Senate Joint Resolution E (S-3) make statutory and constitutional changes regarding eminent domain. MTA is concerned about the negative impact these proposed changes will have on the ability of townships to use eminent domain as an economic stimulus tool in areas in need of revitalization.

MTA is comfortable with the idea of codifying *Hathcock* in Michigan statute; however, we remain concerned about going beyond the scope of the case. Specifically, MTA is concerned about how SB 693 and SJR E propose to restrict local governments in their use of eminent domain in blighted areas. The standard proposed in this legislation is much higher than current law and will not only restrict local governments in redevelopment efforts but will help maintain blighted properties. These blighted properties have a significant impact on the neighboring property values and the ability of a community rebound economically. MTA believes that our current laws that allow for communities to define what is blight at the local level should be maintained.

MTA understands and appreciates the efforts of the House Government Operations Committee related to the debate on eminent domain. MTA stands ready to work with members of this committee as the issue progresses.

Sincerely,

A handwritten signature in cursive script that reads "David W. Bertram".

David W. Bertram  
MTA Legislative Liaison

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